

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Thierry Boon-Falleur et al.  
 Serial No. : 07/807,043  
 Filed : December 12, 1991  
 For : TUMOR REJECTION ANTIGEN PRECURSORS,  
 TUMOR REJECTION ANTIGENS AND USES  
 THEREOF  
 Art Unit : 1813  
 Examiner : J. Ellis

March 14, 1994

Hon. Commissioner of Patents  
 and Trademarks  
 Washington, D.C. 20231

Attn: Assistant Commissioner of Patents

**RECEIVED**

**MAR 15 1994**

OFFICE OF PETITIONS  
 A/C PATENTS

PETITION TO REVIVE PATENT APPLICATION AS UNAVOIDABLY  
 ABANDONED (37 C.F.R. § 1.137a) OR, IN THE ALTERNATIVE  
 AS UNINTENTIONALLY ABANDONED (37 C.F.R. §1.137b)

Sir:

Applicants respond to the Notice of Abandonment dated March 9, 1994. The Notice stated that Figure 15 had not been submitted, although "it had been requested three times".

Attached hereto is a replacement figure 15. Applicants did, in fact, submit a figure 15 each time it was requested; in the first two instances the Patent Office deemed the figure

P 30151 05/23/94 07807043  
 unacceptable.

06-0530 030 140 110.00CH

P 30152 05/23/94 07807043

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In the third instance, applicants received no notification at all from the Patent Office. This is particularly disturbing in light of the facts surrounding the last submission.

On August 16, 1993, applicants submitted drawings, which crossed in the mail with a notification, dated August 18, 1993, indicating that there were Outstanding Drawing Requirements. On August 25, as attested to in the accompanying declaration, applicants representative called Ms. Butler, who had signed the Notice, and advised her of the submission. Ms. Butler indicated that she had not yet received the figures. She indicated that she would advise applicants upon receiving them, or if she did not receive them by near the end of the six month period, i.e., by September 23, 1993. Applicants received no notification, in writing or by phone, on this point so they assumed that the submission was acceptable.

It is submitted that, under these circumstances, the abandonment can only be considered unavoidable, because applicants received no notification that their response was not acceptable, even though the respond had been discussed with PTO officials. The record indicates that applicants continually attempted to satisfy the draftsman's requirements, which kept on changing. There was, in fact a submission on August 16, in which applicants clearly attempted to comply. They never knew that this response was also deemed inadequate, until it was too late.

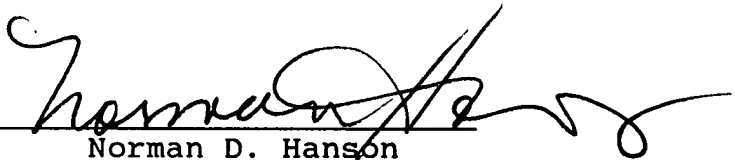
It is submitted that under these circumstances, the abandonment must be deemed unavoidable. Authorization is given to charge the fee due therewith to Deposit Account 06-0530.

Should the showing set forth herein be deemed insufficient under 37 C.F.R. §1.137(a), in the interest of resolving the point and moving the case to issue, applicants ask that the petition be treated as one under 37 C.F.R. §1.137(b), and that the fee therefore, under 37 C.F.R. §1.17(m), be charged to Deposit Account 06-0530.

Respectfully submitted,

FELFE & LYNCH

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